

ACCESS SPECTRUM, LLC AND ACCESS 220, LLC

V.

EDWARD WHARTON, ET AL

UNITED STATES DISTRICT COURT  
DISTRICT of NEW YORK  
Docket/Index # 08 CV 5755

**Affidavit of Service**

State of New Jersey

SS:

County of Bergen

I, **JAMES REAP** being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, has no direct personal interest in this litigation, is over 18 years of age and resides in, the State of New Jersey.

That on **July 9, 2008** at **4:35 PM**, deponent served the within named **SUMMONS AND COMPLAINT FOR INTERPLEADER** upon **BRIAN P. SHIVER**. Said service was effected at **41 CONSTITUTION WAY, MORRISTOWN, NJ 07960**, in the following manner;

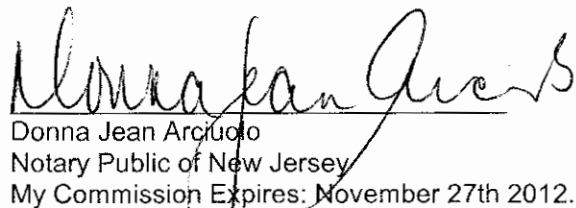
By delivering thereat a true copy of each to **CATHRYN SHIVER**, MOTHER, a person of suitable age and discretion. That person was also asked by deponent whether said premises was **BRIAN P. SHIVER's** dwelling place or usual place of abode and their reply was affirmative.

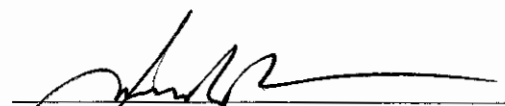
**CATHRYN SHIVER** is described to the best of deponent's ability at the time and circumstances of service as follows:  
Sex: **Female** Skin Color: **White** Hair: **Brown** Age(Approx): **50** Ht.(Approx): **5' 4"** Wt.(Approx): **110-120 lbs**

I **JAMES REAP** asked, whether **BRIAN P. SHIVER** was in the military service of the State or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, deponent avers that **BRIAN P. SHIVER** is not in the military service of the State or the United States as that term is defined in the statutes of the State or the Federal Soldiers and Sailors Civil Relief Act.

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on July 11, 2008

  
Donna Jean Arciullo  
Notary Public of New Jersey  
My Commission Expires: November 27th 2012.

  
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CLS # 39567